



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,310	04/12/2004	Andre Lavoie	028750.0027-US02	2574
26853 7590 10/15/2007 COVINGTON & BURLING, LLP ATTN: PATENT DOCKETING 1201 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004-2401			EXAMINER SINGH, RACHNA	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/822,310	Applicant(s) LAVOIE ET AL.	
	Examiner Rachna Singh	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.



10/11/07

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues figure 7 supports the limitation, "numerical tabular delta data is numerically different in amount from the first related first-document tabular numerical data and the second-document tabular numerical data". Applicant argues neither Gay nor Zilberman discloses numerical tabular delta data indicative of at least one of a difference and a percentage change between the related first document tabular numerical data and second document tabular numerical data. Examiner disagrees. Gay teaches comparing a string from the first document to that of a second document. Gay teaches the string is associated with and represents a numerical value. Gay further teaches extracting a first valid character string from a previously existing financial document and comparing each string in a first/old document to the character strings in the new/second financial document wherein each character string represents a numerical value that is stored in a database which meets the limitation, a comparator comprised in said processor for comparing said first-document tabular numerical data to related second-document tabular numerical data. See figure 1, column 2, lines 15-30, column 4, lines 14-67, and column 5, lines 1-40. In other words, Gay teaches comparing numerical data, but does not necessarily teach generating numerical tabular delta data indicative of at least one of a difference and a percentage change between the related first-document tabular numerical data and said second-document tabular numerical data; the numerical tabular delta data is numerically different in amount from the related first-document tabular numerical data and second-document tabular numerical data; and transmitting the numerical tabular data from the comparator. However, Zilberman discloses interpreting financial documents in which financial inputs are evaluated against a predetermined value and the results of the evaluation including changes and percentage changes are produced which meets the limitation, the numerical tabular delta data is numerically different in amount from the related first-document tabular numerical data and second-document tabular numerical data; and transmitting the numerical tabular data from the comparator. For example, a variable may represent a difference in percent of total assets or percent of sales between one entity and its competitor. See page 4, paragraph [0059] and page 6, paragraph [0068]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Zilberman's depicting the change between financial information in the system of Gay because it provides for comparisons of financial information with previous periods, industry averages, etc in order to provide useful information and financial advice to a company or user to aid in their financial objectives. See page 1, paragraphs [0001]-[0005].

The rejections are maintained in light of the comments above.